



# Nevada State Board of Medical Examiners

## **\* \* \* MINUTES \* \* \***

### **OPEN SESSION**

### **EMERGENCY TELEPHONE CONFERENCE CALL BOARD MEETING**

BOARD OFFICE CONFERENCE ROOM  
NEVADA STATE BOARD OF MEDICAL EXAMINERS  
1105 TERMINAL WAY, SUITE 301  
RENO, NEVADA 89502

***WEDNESDAY, NOVEMBER 21, 2002***

#### **MEMBER PRESENT**

**AT BOARD OFFICE:** Cheryl A. Hug-English, M.D., President

#### **MEMBERS PRESENT**

**BY TELEPHONE:** Jaculine C. Jones, Ed.D., Vice President  
Joel N. Lubritz, M.D.  
Robin L. Titus, M.D.  
Marlene J. Kirch  
Sohail U. Anjum, M.D.

#### **MEMBERS ABSENT:**

Paul A. Stewart, M.D., Secretary-Treasurer \*  
Donald H. Baepler, Ph.D., D.Sc. \*  
Stephen K. Montoya, M.D. \*

\* As members of the Investigative Committee, did not participate in this meeting.

#### **STAFF PRESENT:**

**AT BOARD OFFICE:** Larry D. Lessly, J.D., Executive Director/Special Counsel  
Maureen E. Lyons, Deputy Executive Director  
Richard J. Legarza, J.D., General Counsel  
Douglas C. Cooper, Investigator  
Pamela J. Castagnola, Investigator  
Angelia L. Brandes, Administrative Assistant - Investigation  
Robert J. Barnet, M.D., Medical Reviewer

Call to Order - Cheryl A. Hug-English, M.D., President

The AT&T telephone conference call operator took roll call and the meeting was called to order by the board's President, Cheryl A. Hug-English, M.D., at 2:01 p.m.

Consideration of Complaint Requesting Emergency Action on Kenneth D. Mower, M.D. for Determination as to Whether or Not the Public Health, Safety, and Welfare Require that His License to Practice Medicine in the State of Nevada be Suspended Pending a Formal Hearing

Mr. Legarza confirmed that all members received and reviewed the complaint in this matter. He advised that a motion is required to be made to allow this emergency meeting to be held, should the board wish to do so.

Dr. Titus moved that based on the Investigative Committee's allegations against Kenneth D. Mower, M.D., sufficient evidence of danger to the health, safety and welfare of the citizens of the state of Nevada imperatively require emergency action exists to justify and allow an emergency meeting to be held without the mandatory three-day notice pursuant to NRS 241.020. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Legarza reviewed the Complaint filed by the Investigative Committee and the proposed Order of Summary Suspension of License to Practice Medicine in the State of Nevada against Kenneth D. Mower, M.D., in which he is alleged to have committed malpractice resulting in the death of his patient, which alleged conduct is dangerous to the public health, welfare and safety of Nevada's citizens.

Dr. Barnett gave a brief summary of his medical review of the case, stating that he feels the facts indicate that Dr. Mower deliberately and with intent ordered the administration of a lethal dose of morphine to his patient.

Dr. Lubritz asked whether Dr. Mower was contacted by the board's investigative staff to provide a response to the allegations of the Complaint, prior to its filing by the committee. Mr. Legarza read the letter of response from Dr. Mower, received by Mrs. Castagnola in response to her inquiry letter to him, which letters were both part of the file presented to the committee prior to its filing of the Complaint.

Dr. Lubritz asked whether the nurse who administered Dr. Mower's order is under investigation by the Nevada State Board of Nursing. Mr. Legarza advised that two nurses were involved in the case, and both are being investigated by the Nursing Board. He added that one of the nurses has voluntarily surrendered her license in Nevada; however, the basis for her Nevada licensure surrender may not be based solely on this incident.

Dr. Titus moved that, pursuant to NRS 233.127(3), the board find that the health, safety and welfare of the citizens of the state of Nevada imperatively require emergency action and to summarily suspend the license to practice medicine in the state of Nevada of Kenneth D. Mower, M.D. pending a hearing of the matter. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### ADJOURNMENT

Dr. Hug-English adjourned the meeting at 2:24 p.m.